THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.NO. 22721 of 2001

The petitioner, who claims to be the founder trustee of Sri Vittaleswara Swamy Temple, General Bazar, Secunderabad, has filed this writ petition questioning the notification, dated 23-10-2001, by which the applications were invited for constitution of the trust board U/s 15(2) of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short the "Act").

It is the case of the petitioner that as he is the founder trustee of the temple in question and is being continued as such, no trust board can be constituted. But a reading of the provisions of Sections 15,16 and 17 of the Act makes it clear that there is no prohibition as such empowering constitution of the trust board, particularly in view of Section 16 of the Act the very hereditary trustee was abolished. The hereditary trustee, if qualified, is entitled to be the trustee of the trust board of trustees whenever it is constituted, but he cannot object for the very constitution of trust board. In that view of the matter there is no illegality in the notification issued by the respondents inviting applications for constitution of the trust board to declare the same as illegal.

In that view of the matter the writ petition is devoid of merits. Accordingly the writ petition is dismissed. No costs.

However, it is made clear that whenever trust board is being constituted, as the petitioner claims to be the founder trustee, his claim has to be considered in accordance with the procedure U/s 17(1) of the Act.

16th November, 2005

BJ/